

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

JUL 03 2008

JOHN P. CORCORAN, CLERK  
BY: *John P. Corcoran*  
DEPUTY CLERK

Plaintiff Daryll Keith Shumake, a Virginia inmate proceeding pro se, brings this action pursuant to 42 U.S.C. § 1983. Shumake has also requested to proceed in forma pauperis.

According to court records, Shumake has filed at least three actions in a court of the United States that were dismissed on the grounds that they were frivolous, malicious, or failed to state a claim.<sup>1</sup> Therefore, Shumake may not proceed with this action unless he either pays the \$350.00 filing fee or shows that he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

As Shumake has neither prepaid the filing fee nor demonstrated that he is “under imminent danger of serious physical injury,”<sup>2</sup> the court dismisses his complaint without prejudice.

The Clerk is directed to send a certified copy of this Memorandum Opinion and the accompanying Order to the plaintiff. 

**ENTER:** This 3rd day of July, 2008.

~~United States District Judge~~

<sup>1</sup> See Shumake v. Hampton Roads Regional Jail, et al., Civil Action No. 1:00cv00367 (E.D. Va. Mar. 13, 2000) (dismissed for failure to state a claim upon which relief may be granted); Shumake v. Dickerson, et al., Civil Action No. 1:00cv00540 (E.D. Va. Apr. 6, 2000) (dismissed for failure to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915A(b)(1)); Shumake v. Hampton Roads Regional Jail, et al., Civil Action No. 1:00cv00783 (E.D. Va. May 15, 2000) (dismissed for failure to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915A(b)(1)); Shumake v. Wallens Ridge State Prison, Civil Action No. 7:05cv00708 (W.D. Va. Nov. 29, 2005) (dismissed for failure to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915A(b)(1)); Shumake v. Harvey, et al., Civil Action No. 7:05cv00802 (W.D. Va. Jan. 9, 2006) (dismissed for failure to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915A(b)(1)); Shumake v. Ben Secours Maryview Medical Center, et al., Civil Action No. 1:07cv00027 (E.D. Va. Mar. 28, 2007) (dismissed for failure to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915A(b)(1)).

<sup>2</sup> Shumake alleges that he is disabled and that the defendants have failed to hire him a “live-in [] aide for daily activities,” such as laundry and carrying meal trays. The court finds that Shumake’s allegations fail to demonstrate that he is under imminent danger of serious physical harm.